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11 Attorneys for Defendant
12 Otto Trucking LLC

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 Waymo LLC,
17 Plaintiff,
18 v.
19 Uber Technologies, Inc.; Ottomotto LLC; Otto
20 Trucking LLC,
21 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF BRENT SCHWARZ
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Courtroom: 8
Judge: Hon. William Alsup
Trial: October 10, 2017

Filed/Lodged Concurrently with:
1. Defendants' Motion for Summary
Judgment
2. Proposed Judgment
3. Chang Declaration
4. Brun Declaration

27 **UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
28

1 I, BRENT SCHWARZ, declare:

2 1. I am a Senior Manager of Business Operations at the Advanced Technologies
3 Group at Uber Technologies (“Uber”), assigned to Otto Trucking. I was Senior Business
4 Operations Manager in charge of Self-Driving Trucks at Ottomotto LLC (“Ottomotto”). I am an
5 equity holder in Otto Trucking LLC (“Otto Trucking”) and coordinate operations between Uber
6 and Otto Trucking (and its subsidiaries). I have personal knowledge of the facts stated herein. I
7 make this declaration based on personal knowledge and, if called as a witness, I could and would
8 testify competently to the matters set forth herein. I make this declaration in support of
9 Defendant’s Motion for Summary Judgment.

10 2. Pursuant to the May, 2017 Framework Agreement between Uber and Otto
11 Trucking, having an effective date of April 11, 2016, Otto Trucking leased seven Volvo trucks
12 from Uber subsidiary, Ottomotto. (the “Leased Trucks”). Those trucks are now owned by Uber as
13 a result of its acquisition of Ottomotto.

14 3. Otto Trucking has a wholly owned subsidiary, Otto Transport LLC. Otto Transport
15 currently owns three Volvo VNL670 tandem axle sleeper trucks and one Peterbilt truck (the “Otto
16 Transport Trucks”). The Volvo trucks were purchased by Otto Transport in May, 2017. The
17 Peterbilt truck was purchased by Otto Transport in August, 2017.

18 4. Each of the Leased and Otto Transport Trucks has been equipped with LiDAR
19 systems purchased from Velodyne LiDAR, Inc., a third party vendor. Specifically, each of the
20 Leased and Otto Transport Trucks has been equipped with Velodyne VLP-16 and HDL-64E
21 LiDAR systems.

22 5. Uber or Ottomotto purchased the above Velodyne LiDAR systems and leased these
23 systems to Otto Trucking. These Velodyne LiDAR systems were installed onto the Leased and
24 Otto Transport Trucks by either Ottomotto or Uber employees.

25 6. No Leased or Otto Transport Truck has ever been equipped with the Spider or Fuji
26 LiDAR system.

27 7. Neither Otto Trucking nor Otto Transport has ever made, used, sold, offered for
28 sale, or imported into the U.S. either the Spider or Fuji LiDAR system.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed this 31st day of August, 2017 in San Francisco, California.
3
4

4 */s/ Brent Schwarz*
5 BRENT SCHWARZ
6
7

ATTESTATION OF E-FILED SIGNATURE

8 I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this
9 Declaration. In compliance with General Order 45, X.B., I hereby attest that Brent Schwarz has
10 concurred in this filing.

11 Dated: August 31, 2017

12 */s/ Michael A. Jacobs*

13 MICHAEL A. JACOBS
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